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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/342,680 06/29/99 ANDERSON

E 1418CIP/P160

EXAMINER

TM02/1010

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ART UNIT

PAPER NUMBER

2176
DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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EXAMINER	
ART UNIT	PAPER NUMBER
	10

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

a) ☒ is extended to run _____ or continues to run 3 months from the date of the final rejection

b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 9/10/01 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:

a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.

b. ☐ They raise new issues that would require further consideration and/or search. (See Note).

c. ☐ They raise the issue of new matter. (See Note).

d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-20

However;

☐ Applicant's response has overcome the following rejection(s): _____

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because Applicant's arguments are not persuasive. See attached.

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

STEPHEN S. HONG
PRIMARY EXAMINER

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Response to Arguments

1. Applicant's arguments filed 9/10/01 have been fully considered but they are not persuasive.

Applicants argue that Xu and Narayen do not disclose:

-- mounting the digital camera into the PC and opening the HTML file *without the need for any type of communication software*

and argue that:

-- for allowing the digital camera to appear as a disk to the host computer, Xu and Narayen do need a software

Examiner disagrees.

Xu discloses the two limitations (a and c) of claim 1:

a- establishing communication between the image capture device and the host computer, and

c- mounting the image capture device as a disk on the host computer (col 4, lines 32-39, the software program is initiated by executing a command for "*mounting*" or *installing the camera as a disk drive*, and it then *verifies whether the camera is physically connected to the personal computer*. If the camera is not connected....informing the user that the camera needs to be connected)

Narayen discloses the other two limitations (b and c) of claim 1:

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b- automatically generating an Internet page description file in the image capture device that references the images stored therein (figure 1, steps 10, 12; figure 5, steps 225, 229)

d-opening the Internet description file in a web browser on the host computer (figure 5, step 231, 233), wherein the images stored in the image capture device are displayed on the host computer through the web browser *without the need for loading camera-specific communication software onto the host computer* (col 5, lines 50-67, a digital image input device may be a digital camera *which is coupled to an I/O controller in order to allow images from the digital camera to be input into the computer system*; col 6, lines 28-45, *user inputs digital images from a digital acquisition device, such as a digital camera into a digital processing system....to store the original images to the file storage device....storage occurs under the control of a file management system such as a disk operating system*)

As addressed in the response for arguments the final rejection, the feature “without the need for any type of communication software” is not claimed in claim 1 in combination with “mounting the digital camera into the PC and opening the HTML file.”

Since claim 1 recites merely “establishing communication between the image capture device and the host computer” and Xu does teach that feature as above, the prior art does teach the claimed limitation.

Narayan does disclose the limitations (b) and (d) of claim 1 as above.